

CTC
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

2011 MAR 24 AM 11:55

CLERK OF COURT

JONATHAN PIERCE
Plaintiff,

v.

THE CITY OF ARLINGTON;
POLICE CHIEF THERON
BROWN; DEPUTY POLICE
CHIEF JAMES HAWTHORNE;
and OFFICER D. VO
Defendants.

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4-11CV-193-Y
CIVIL ACTION NO.

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

This is an action for monetary damages brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, and against Chief Theron Brown, Deputy Police Chief James Hawthorne, Office D. Vo and the City of Arlington.

I.

PARTIES

1. Plaintiff is Jonathan Pierce.
2. Defendants are the City of Arlington, Chief Theron Brown, Deputy Police Chief James Hawthorne and Officer D. Vo.
3. Defendant City of Arlington may be served with process by serving Arlington City

Mayor Robert Gluck at the Office of the Mayor & Council 101 W. Abram Street,
Arlington, Texas 76004-0231.

4. Defendant Police Chief Theron Brown is an individual who may be served with process at his place of employment at the Ott Cribbs Public Safety Center, 620 W Division Street, Arlington, TX 76004-1065.
5. Defendant Deputy James Hawthorne is an individual who may be served with process at his place of employment at the Ott Cribbs Public Safety Center, 620 W Division Street, Arlington, TX 76004-1065.
6. Defendant D. Vo, Badge No. 2635, is a police officer with the City of Arlington who may be served with process by serving him at his place of employment the Ott Cribbs Public Safety Center, 620 W Division Street, Arlington, TX 76004-1065.

II.

JURISDICTION

7. The Court has jurisdiction over this lawsuit because the action arises under Title 28 U.S.C. §§ 1331 and 1343.

III.

CONDITIONS PRECEDENT

8. All conditions precedent have been performed by Plaintiff or have occurred.

IV.

FACTS

PLAINTIFF GOES TO SHOOT POOL WITH FRIENDS

9. On or about March 19, 2011, Plaintiff and his two friends, Daarian Cox and Parthenia Jessie Hodges went to play pool at Arlington's "Rack Daddy's."
10. While Cox and Hodges waited outside, Plaintiff entered the pool hall to retrieve money from an ATM inside to pay the entry fees for all three individuals. Plaintiff explained what he was doing to the security guard and door personnel and both allowed him to enter.
11. While Plaintiff went inside, Cox and Hodges waited outside.
12. Having retrieved the money from the ATM, Plaintiff then returned to the front of the building.
13. As he was exiting the front of the building, Plaintiff and the others then heard a loud bang and suddenly several people began running frantically toward Plaintiff.

ARLINGTON POLICE PURSUE A WHITE MALE

14. Unbeknownst to Plaintiff, the Arlington Police Department had been pursuing a vehicle operated by Ronnie Lee Malone, Jr.
15. Alone in the vehicle, Malone entered the parking lot and slammed into a parked mini-van. The violence of the collision caused patrons in the parking lot to run inside Rack Daddy's.

16. Malone emerged from the vehicle and ran past Rack Daddy's while Arlington Police officers, including Defendant Vo, pursued him.
17. Malone is a white 26-year-old Caucasian who weighs approximately 200 pounds.
18. Plaintiff, an African-American Navy veteran, is 33-years-old and weighs approximately 131 pounds.
19. Malone was wearing shorts. Plaintiff was wearing jeans.
20. Malone was wearing a distinct light blue Orlando Magic basket ball jersey with the name Howard and the number 12.¹
21. Plaintiff was wearing jeans, a white T-shirt underneath a signature dark green jersey of the Boston Celtics with the name Pierce and the number 34.²
22. Hodges, who remained outside, saw Officer Vo also emerge from his vehicle and chase Malone.
23. Like the other officers, Vo pursued Malone.
24. Hearing the noise and seeing the patrons run, Plaintiff moved back inside Rack Daddy's past the security guard and hostess. Other patrons then followed.
25. Vo, who had been pursuing Malone, inexplicably pursued Plaintiff past Cox and the security guard—both of whom yelled repeatedly to Defendant, "You are after the wrong person!"

¹ This is the jersey for Magic player Dwight Howard.

² This is the jersey for Celtics player Paul Pierce.

OFFICER VO SHOOTS PLAINTIFF WITHOUT CAUSE

26. Suddenly and without notice, Officer Vo shot Plaintiff in the back side with a Taser without probable cause.
27. At the time Plaintiff was shot in the back, he was unarmed and was neither resisting nor evading an arrest.
28. Plaintiff immediately fell to the ground.
29. Cox who drew and got down on his knees pled with Defendant Vo again, telling the officer again that he had the wrong individual.
30. "Get the fuck back," Vo yelled back at Cox. He tased Plaintiff again and yelled, "Get the fuck down. Get the fuck down. Stay down."
31. Vo then becomes defensive and belligerent with witnesses who continue to tell him that he has the wrong person.

OFFICER VO TASES PLAINTIFF AGAIN WITHOUT CAUSE

32. While still more people are telling Vo that he has the wrong individual in custody, Vo tases Plaintiff *again*.
33. The officer yanks Plaintiff on to his stomach and places him in handcuffs.
34. Vo then drags Plaintiff outside where he confronts a crowd of citizens who tell him that he has the wrong individual and, by then, a group of Arlington Police officers who have Malone in custody.
35. Plaintiff is then placed on the ground for close to an hour while a crowd continues to tell the officers repeatedly that they had the wrong person in custody.

36. After approximately an hour, Plaintiff is finally released. Defendant Vo never identifies himself or offers any apology for shooting Plaintiff without probable cause.
37. The only explanation Defendant Vo made to Plaintiff was that he had told him to stop and that the officer actually touched him.
38. Plaintiff and other witnesses never heard Vo give Plaintiff any verbal warning or command. Likewise, no witness ever saw Defendant get close enough to touch Plaintiff.
39. Given the radical difference in physical descriptions between Malone and Plaintiff, Vo's representations that he was actually close enough to Plaintiff, before he tased him repeatedly, are incredible.

TASERS AND DEADLY FORCE

40. According to Amnesty International, more than 351 people have died after being shocked by police Tasers since 2001. The group has urged law enforcement agencies to suspend Taser use pending more research on how the shock affects those who have medical problems such as a heart condition or who are under the influence of drugs or alcohol.
41. One blog that follows tasers in the United Stat reports that there were 96 Taser-related deaths between January 2009 and September 2010.³ African-Americans—who represent only 12 percent of the national population—constituted 37 of those deaths, more than three times their representation in the larger population.⁴
42. These racial percentages correlate with the present case, as Malone, despite being the suspect of some offense, was not even tased by the other Arlington officers.

³ See *Suburban Hum*, 96 Taser-Related Deaths in U.S. Since January (Sept. 5, 2009).

⁴ *Id.*

43. Tarrant County Sheriff Dee Anderson publicly stated in October, 2009 that his department does not use Tasers because he does not want to risk that one of his deputies might kill someone.
44. As has been explained by the manufacturer publicly and in civil rights and product liability litigation, TASER devices utilize compressed nitrogen to project two small probes up to various ranges at a speed of over 160 feet per second.⁵ These probes are connected to the TASER device by insulated wires. An electrical signal of up to 50,000 volts is transmitted through the wires to where the probes make contact with the body or clothing, resulting in an immediate loss of the person's neuromuscular control and the ability to perform coordinated action for the duration of the impulse.
45. Because of their ability to cause severe pain and violently and suddenly seize individuals, the established consensus among Courts⁶ and the law enforcement is that Tasers are considered, at least, an "intermediate" weapon on traditional use of force continuums.⁷
46. In a 2005 report on the use of tasers in seven selected law enforcement agencies, the United States Government Accountability Office (GAO) found that six of the seven agencies permitted taser use only when situations had reached the third ("Volatile") and fourth ("Harmful") levels of the five-level Federal Law Enforcement Training Center

⁵ See, e.g., *Bryan v. McPherson*, 630 F.3d 805, 813 (9th Cir. 2009)

⁶ *Bryan*, 630 F.3d at 811 citing *Orsak v. Metro. Airports Comm'n*, 675 F.Supp.2d 944, 957-59 (D.Minn.2009); *Cyrus v. Town of Mukwonago*, 2009 WL 1110413, at *21 (E.D.Wis. April 24, 2009); *Kaady v. City of Sandy*, 2008 WL 5111101, at *16 (D.Or. Nov.26, 2008); *McDonald v. Pon*, 2007 WL 4420936, at *2 (W.D.Wash. Dec.14, 2007); *Beaver v. City of Federal Way*, 507 F.Supp.2d 1137, 1144 (W.D.Wash.2007); *Parker v. City of South Portland*, 2007 WL 1468658, at *22 (D.Me. May 18, 2007); *DeSalvo v. City of Collinsville*, 2005 WL 2487829, at *4 (S.D.Ill. Oct.7, 2005).

⁷ *Bryan*, 630 F.3d at 811 citing *Safety and Injury Profile of Conducted Electrical Weapons Used by Law Enforcement Officers Against Criminal Suspects*, *Annals of Emerg. Medicine*, April 2009, at 480.

Use-of-Force Continuum.⁸ “In other words,” one court concluded, “these six agencies classified tasers as *intermediate* levels of force.”⁹

47. Because Tasers constitute such an increase use of force, the law imposes a greater burden on the government to justify their use during arrests.¹⁰

TASER MISUSE BY LOCAL POLICE

48. From 2004 to 2009, there have been five reported deaths¹¹—one fatality each year—related to Taser usage by law enforcement in Tarrant County. Dallas has reported a similar history with one death occurring as recently as September, 2010.
49. In May, 2010, the City of Ft. Worth publicly settled the claims of the estate of African-American Michael Patrick Jacobs for \$2 million. In the Jacobs incident, the Tarrant County Medical Examiner determined that Jacobs had been shocked twice—once for 49 seconds and a second time for five seconds before he was killed. Following the death of Jacobs, another incident occurred in Ft. Worth where an officer tased an individual who was holding a child in a Wal-Mart.
50. Following the five separate taser-related deaths involving local police, local civil rights leaders repeatedly implored multiple police departments, including Arlington’s, not to purchase anymore Tasers and to quit using the 50,000 volt weapons indiscriminately.

⁸ Bryan, citing GAO., *Taser Weapons: Use of Tasers by Selected Law Enforcement Agencies*, at 7-10 (May 2005).

⁹ *Id.*

¹⁰ *Id.*

¹¹ November 2, 2004: Robert Guerrero, 21, Fort Worth, Texas

April 3, 2005: Eric Hammock, 43, Fort Worth, Texas

June 24, 2005: Carolyn Daniels, 25, Fort Worth, Texas

August 23, 2006: Noah Lopez, 25, Fort Worth, Texas

April 18, 2009: Michael Jacobs Jr., 24, Fort Worth, Texas

ARLINGTON POLICE ADOPT WIDER USE OF TASERS

51. In May, 2010, Arlington Police Chief Theron Brown publicly announced his intentions for his department to acquire an additional 300 Tasers. Despite the obvious risks of more generalized use, in the same public announcement, Arlington's Deputy Chief James Hawthorne said, the Police Department wants to have an electric-shock weapon available for every officer as standard equipment for its force of more than six hundred.
52. The City of Arlington, through its relevant law enforcement policymaker—the chief of police—has continued to endorse and promulgate policies and customs of use and training of indiscriminate use of Tasers when such force is excessive. As civil rights leaders have repeatedly informed the City of Arlington, the incidents involving Taser usage disproportionately have been used against members of the African-American community.
53. But for these acts and omissions of policy, custom, training and discipline, Plaintiffs rights under the Fourth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution would not have been violated.

V.

CAUSES OF ACTION

Count 1—Violation of Constitutional Rights

54. The allegations contained in all of the paragraphs of this Original Complaint are hereby incorporated and realleged for all purposes and incorporated herein with the same force and effect as if set forth verbatim. Defendants exercise of these established policies and customs violated the Plaintiff's clearly established rights under the United States Constitution to

- a. freedom from unreasonable seizure of his person;
- b. freedom from the use of unreasonable, unnecessary, and excessive force;
- c. freedom from excessive use of a Taser;¹²
- d. the right to medical care for injuries received while in custody;

Count 2—42 U.S.C § 1983 Against Individual Defendants

55. The allegations contained in all of the paragraphs of this Original Complaint are hereby incorporated and realleged for all purposes and incorporated herein with the same force and effect as if set forth verbatim. Defendant Vo and the City of Arlington's exercise of these established policies and customs violated the Plaintiff's clearly established rights under the United States Constitution to

- a. freedom from unreasonable seizure of his person;
- b. freedom from the use of unreasonable, unnecessary, and excessive force;
- c. freedom from the use of deadly force; and
- d. the right to medical care for injuries received while in custody;

Count 3—42 U.S.C § 1983 Against Policymakers and the City of Arlington

56. Under controlling federal law, Chief Brown and Deputy Chief Hawthorne are policymakers for Arlington Police Department.¹³ The policies of these two individuals—including acts and omissions, including hiring, training, disciplining, reprimanding and terminating officers, including Defendant Vo, as well as admitting errors¹⁴ for officer and supervisor conduct—were a moving force that violated Plaintiff's clearly established

¹² See *Autin v. City of Baytown*, 174 Appx. 183, 186 (5th Cir. 2005); *Priester v. City of Riviera Beach*, 208 F.3d 919, 925 (11th Cir.2000).

¹³ *Fraire v. City of Arlington*, 957 F.2d 1268, 1279 n.45 (5th Cir. 1992).

¹⁴ See *Grandstaff v. City of Borger*, 767 F.2d 161, 170-71 (5th Cir.1985).

rights under the United States Constitution to

- a. freedom from unreasonable seizure of his person;
- b. freedom from the use of unreasonable, unnecessary, and excessive force;
- c. freedom from the use of deadly force; and
- d. the right to medical care for injuries received while in custody;

VI.

ACTUAL & EXEMPLARY DAMAGES

57. As a consequence of Defendants' wrongful acts as described above, Plaintiff has suffered actual damages exceeding the minimum jurisdictional limits of this Court.

58. As a direct and proximate result of Defendants' acts and omissions as heretofore alleged, Plaintiff suffered physical impairment, excruciating pain, mental anguish and medical. Plaintiff is therefore entitled to recover all reasonable and necessary medical expenses incurred that resulted from the acts of Defendants. In addition, Plaintiff has an action for the injuries suffered, including but not limited to the disfigurement, humiliation, past pain and suffering, mental anguish and physical capacity and loss of income suffered as a result of the incident.

59. Plaintiff seeks exemplary damages against Defendant Vo, who despite lacking probable cause to arrest Plaintiff, and who had been informed repeatedly and promptly by several individuals at the scene that he had seized the wrong person, continuously employed his Taser multiple times against Plaintiff.¹⁵

¹⁵ See *Autin v. City of Baytown*, 174 Appx. 183, 186 (5th Cir. 2005); *Priester v. City of Riviera Beach*, 208 F.3d 919, 925 (11th Cir.2000).

VII.

ATTORNEYS' FEES

60. Plaintiff are further entitled to receive her reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.

VIII.

INTEREST

61. Plaintiff is further entitled to receive pre-judgment and post-judgment interest at the highest interest rates allowed by law.

IX.

JURY DEMAND

92. Plaintiff demands a jury trial.

X.

CONCLUSION

93. Plaintiff specifically reserves his right to bring additional causes of action against Defendants and to amend their Petition as necessary.

94. WHEREFORE, PREMISES CONSIDERED

- (1) Actual and consequential damages as determined at a trial on the merits;
- (2) Mental anguish damages;
- (3) Punitive damages as determined at a trial on the merits;
- (4) Cost of suit;
- (5) Reasonable and necessary attorneys' and paralegals' fees;

- (6) Reasonable and necessary expert fees;
- (7) Pre-judgment and post-judgment interest at the maximum rate allowed by law;
- (8) Such other and further relief, general or special, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

HENLEY & HENLEY, P.C.

2205 N. Henderson Avenue

Dallas, Texas 75206

Telephone: (214) 821-0222

Facsimile: (214) 821-0124

By: 

Geoff J. Henley

Texas State Bar No. 0079825

Federal I.D. No. 30791

H. Hudson Henley

State Bar No. 09465020

JS 44 (TXND Rev. 2/10)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

JONATHAN PIERCE

(b) County of Residence of First Listed Plaintiff DALLAS
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Geoff J. Henley, HENLEY & HENLEY, P.C., 2205 N. Henderson Avenue
Dallas, Texas 75206 (214) 821-0222

DEFENDANTS

THE CITY OF ARLINGTON; HENDERSON BROWN; DEPUTY
POLICE CHIEF JAMES HAWTHORNE; OFFICER: 85

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

4-11CV-193-Y

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
TITLE 42 U.S.C. 1983 and the Fourth and Fourteenth Amendment of the U.S. Constitution

Brief description of cause:

Officer used excessive force (TASING multiple times) and arrested a completely innocent person.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) (See instructions) PENDING OR CLOSED:

JUDGE

DOCKET NUMBER

DATE
03/24/2011

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

FW013850

RECEIPT #

AMOUNT

\$ 350.00

APPLYING F.P.

JUDGE

MAG. JUDGE